

REMARKS

Applicant believes that only fees for an extension of time for 2 months are due with this response. Please charge our Deposit Account No. 50-0591, under Order No. 17144/002002 from which the undersigned is authorized to draw. Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application in view of the amended claims and the remarks as follows.

Claims 1, 3-9, 30-34, and 40 were rejected under 35 USC 103(a) as being unpatentable over Oliphant et al. (5761875) in view of Hay (1947413). Applicant respectfully traverses the rejection for at least the reasons that follow.

Applicant has amended independent claims 1, 8, 30, and 31 to clarify that the invention is directed to "reinforcing a vertically disposed, existing monopole tower." It is respectfully submitted that the amendments to the claims were for purposes of clarification and it is considered that independent claim 40 as previously presented was already clearly directed to "reinforcing a monopole tower having a vertical length."

Oliphant et al. is deemed non-analogous art because it involves the manufacture of centrifugally cast concrete poles. It is respectfully asserted that those of ordinary skill in the art of reinforcement of existing monopole towers would not look to patents directed to centrifugal casting of concrete poles as a solution to reinforcement of existing monopole towers. There is no way shown to be known to spin cast a vertically disposed, existing tower.

Moreover, as recognized by the examiner, Oliphant does not teach all of the elements of the invention as claimed. At least, it does not teach the step of releasing the mold from the reinforcement column. In particular, applicant would assert that a reinforcement

column would be in addition to the existing monopole and it would be a column. Oliphant et al only teaches making a pole and in the process described, namely centrifugal casting of a concrete pole, the pole will be horizontally oriented while it is spun to distribute the concrete by centrifugal force outward onto the wire reinforcing rings, bars, and base plate. It is respectfully submitted that to apply Oliphant et al. to the method as claimed by applicant would destroy the purpose. It would not be considered by those of ordinary skill in the art to be possible. For example, Oliphant et al. has no tower to begin with; rather, a pole is made from scratch. Moreover, if there was an existing tower, the purpose of Oliphant et al would be destroyed without being able to spin a vertically disposed tower to embed a base plate and shortened bolts according to Oliphant et al.

It is respectfully submitted that Hay (1947413) is non-analogous art as it is directed to protecting wooden piles under a wharf from the adverse effects of water. Those skilled in the mono pole tower reinforcement art would not look to wharf pile technologies for solution to the problems addressed by the claimed invention.

The rejection is further traversed because Hay does not supply parts that could be combined with Oliphant et al. to produce applicants claimed invention. Hay shows an apparatus for forming a covering or sleeve of plastic material upon a wooden pile of a type that support part of a wharf. In the case of combining Hay with Oliphant et al. it is again respectfully submitted that the combination is not obvious and in all likely hood is not even possible without destroying the function. For example, there is no showing of how one might make the combination of the Oliphant process around the wooden piles of Hay without some how cutting through the piles or lifting the wharf off of the piles to position the reinforcing materials and other structure. Moreover, spinning the piles of a wharf to cast the pole by centrifugal force

would destroy the wharf and thus would destroy the purpose and function of Hay to provide a protective coating to the wooden piles against the deterioration effects of water under the wharf.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1 and 3 were rejected under 35 USC 103(a) as being unpatentable over Oliphant et al., in view of Hay and Shiraishi et al., that at least for all the reasons cited above it is respectfully submitted that Oliphant and Hay are non-analogous art, and that the combination of Oliphant and Hay would not be obvious for obtaining the invention of amended claim 1 and claim 3 that depends from claim 1.

It is further respectfully submitted that Shiraishi et al. is non-analogous art as it is directed to corrosion resistant piles for marine use. Those skilled in the mono pole tower reinforcement art would not look to making piles corrosion resistant for purpose of reinforcing monopole towers and for solution to the problems addressed by the claimed invention. Moreover, there is no way shown in any of the cited references to spin cast concrete (as disclosed in Oliphant et al.) for making the steel pipe piles of Shiraishi et al. corrosion resistant, at least without destroying the piles and the structure they support in the process. It is respectfully submitted that this does not constitute an obvious combination. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 10 was rejected under 35 USC 103(a) as being unpatentable over Oliphant et al. and Hay in view of Jackson (4104868). It is respectfully submitted that at least for all the reasons cited above, Oliphant and Hay are non-analogous art, and the combination of Oliphant and Hay would not be obvious for obtaining the invention of claim 10 that depends from amended claim 8.

It is respectfully submitted that Jackson (4104868) is non-analogous art as it is directed to a chimney structure not a monopole tower. Those skilled in the monopole tower reinforcement art would not look to chimney technologies for solution to the problems addressed by the claimed invention.

Further, there is no way shown to centrifugally cast the chimney once concrete is poured into it as in Jackson. To do so would defeat the function of the chimney construction of Jackson. Moreover, it is respectfully submitted that the longitudinal reinforcing bars of Jackson are not the same as the tension cables as set forth in claim 10. For at least the foregoing reasons it is respectfully submitted that the combination claim 10 is not legally obvious under 35 USC 103(a) in view of the art cited in the Office Action.

Claims 11 and 13 were rejected under 35 USC 103(a) as being unpatentable over Oliphant et al. in view of Hay and Jacking[sic] and further in view of Norton et al (4452028). It is respectfully submitted that at least for all the reasons cited above, Oliphant, Hay, and Jackson are non-analogous art, and the combination of Oliphant, Hay, and Jackson would not be obvious for obtaining the invention of claims 11 and 13 that depend in part from amended claim 8.

It is respectfully submitted that Norton et al (4452028) is non-analogous art as it is directed to a basement wall structure not to reinforcing a monopole tower. Those skilled in the monopole tower reinforcement art would not look to basement wall building technologies for solution to the problems addressed by the claimed invention.

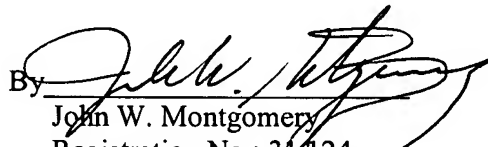
Moreover, in the wall of Norton et al. there could be no centrifugal casting of concrete as in Oliphant and a structure calling for tensioning cables space around a column is not considered obvious when the wall structure of Norton does not include a column around a tower

structure as claimed. For at least all the reasons set forth above reconsideration and withdrawal of the rejection are respectfully requested.

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17144/002002).

Dated: July 9, 2007

Respectfully submitted,

By 
John W. Montgomery
Registration No.: 34,124
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant